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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-sixth session

SUMMARY RECORD OF THE 1390th MEETING

Held at the Palais des Nations, Geneva,
on Monday 20 March 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

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GE.00-41099 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Lesotho (CERD/C/337/Add.1; updated report covering the period 1984-2000: document without a symbol dated March 2000 distributed in the meeting room in English only) (continued)

1. At the invitation of the Chairman, the members of the delegation of Lesotho resumed their places at the Committee table.

2. Mr. MAEMA (Lesotho), replying to a question from Ms. McDougall on the lack of disaggregated data on the Xhosa, Phuthi and other minorities, said that those groups were part of one homogeneous nation, the Basotho, which included refugees. In addition to the Basotho nation, there was a community of Indian origin in the northern part of the country.

3. The strike of February 1998 had been a conflict over wages between Chinese employers and Basotho workers, caused by the workers' inability to meet the targets set by their employers. During that conflict, the employers had been taken hostage and, once freed following police intervention, had fled to South Africa. Other Chinese employers, also afraid for their safety, had likewise fled Lesotho. A dialogue had been initiated between representatives of the Ministry of Labour, the Lesotho National Development Corporation (LNDC) and the unions in question with a view to settling the conflict.

4. The measures adopted with a view to the implementation of article 2 of the Convention, were not required by law. In the area of education, free schooling for Basotho children had begun in January 2000 and the Government intended to adopt legislation to that effect. It was possible to undertake cultural activities linked to the values of the various minority groups within the framework of school activities.

5. With regard to communication No. 146/97 on the issue of access to a private school situated in an Islamic centre, the updated report stated that the courts had confirmed that children of African origin had the right to attend the school in question.

6. The provisions of article 18 of the Constitution were described in detail in the updated report.

7. Among the organizations working in the areas of racial integration and the promotion of racial harmony were the Chinese Association and the Indian Association, which cooperated closely with local communities. They organized cultural activities having to do with their respective cultures. Those activities were open to all and therefore promoted social integration.

8. With regard to the implementation of article 4 (a) and (b) of the Convention, the Government intended to amend the Race Relations Order of 1971 to include those provisions of the Convention.

9. In the area of equal treatment for minority groups before the courts, it should be pointed out that any person not fluent in the language used during hearings had the right to the services of an interpreter, free of charge, paid for by the State; that measure had been applied in particular in all matters involving persons of Chinese origin.

10. The right to citizenship was open to all. The question of citizenship was dealt with in the updated report.

11. In response to the question of cases of racial discrimination dealt with by the Ombudsman (mediator), he recalled the case mentioned in the updated report (p. 28) of an Egyptian veterinarian who, after trying unsuccessfully on several occasions to have his right to practise recognized without first sitting an exam, had finally succeeded in having his case heard thanks to the intervention of the mediator.

12. With regard to the implementation of article 7 of the Convention, there was currently no awareness campaign on racial tolerance and harmony. However, following the political crisis of 1998 mentioned in the updated report, matches had been organized between sports teams from the Lesotho, Botswana and South Africa Defence Forces in order to promote better mutual understanding and a spirit of tolerance and friendship among those groups and eliminate any feelings of bitterness which may have been caused by the troubling incidents at the time. The updated report provided more complete information on that subject (p. 29).

13. Lesotho had deposited its instrument of ratification of International Labour Organization (ILO) Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (1958), on 28 January 1998 and the Convention had entered into force in June 1998. Lesotho's first report, covering the period June 1998 to September 1999, had been submitted to the ILO for consideration.

14. Most of the workers employed in factories owned by Chinese or Indians were Basotho. They generally had subsidiary positions and were for the most part union members. The racial problems which existed between employees and employers were basically the result of the Basotho's belief that they were being exploited.

15. In reply to the question whether customary law applied to the rural population and ordinary law to the urban population, he said that that was not the case. The choice of legal system to be applied depended on the case and the intention of the parties. In addition, no discrimination was possible in that area. Moreover, ordinary law did not provide for any punishment in cases of racial discrimination.

16. As for the status of the Convention within Lesotho's legal system, he said that relevant legislation must be adopted in order for the provisions of the Convention to be applicable.

17. Inheritance issues were covered by the Testate Act and the Intestate Act, as well as the Married Persons Equality Bill, which abolished the husband's power over his wife, provided for equality in managing the couple's property and dealt with other relevant issues in the area of relations between spouses. The bill had not yet been reviewed by all parties. Racial discrimination did not exist in the area of inheritance.

18. In accordance with the Constitution and the relevant legislation, land could not be owned by a non-citizen, in order to protect the Basotho nation, which would otherwise run the risk of seeing itself deprived of one of its basic means of livelihood. The Constitution gave the power to distribute land to the King, but, in practice, it was the village development councils made up of elected village chiefs who exercised that power.

19. In response to a request from Mr. Nobel for more information on the political and democratic situation in Lesotho, he explained that, despite the first democratic election ever in 1993, and the election of a Prime Minister, political instability had continued. In August 1994, the elected authorities had nearly been overturned, but, thanks to international diplomatic efforts, democratic rule had been restored. In June 1998, elections had been organized for the second time, but the opposition had suspected that the election results had been fixed, and that had led to additional unrest. The various parties had therefore entered into an agreement according to which new elections would be held in 2000. Parliament had set up a provisional political authority to assist the Government, in particular in implementing a new electoral system. To date, various amendments had been adopted, providing, inter alia, for proportional representation. It was to be hoped that those elections would lead to the stability which all parties earnestly desired. The Government was currently working to that end.

20. Ms. McDOUGALL (Country Rapporteur) thanked the delegation for the updated report submitted at the end of the preceding meeting. It contained useful information in a number of areas and dealt more openly with the problem of racial discrimination than the fourteenth periodic report. She noted that there had been an increase in xenophobic incidents aimed at Asian, European and South African immigrants, who played an important role in the economy. The Government must monitor that trend carefully and take measures necessary to reduce tension by creating a legislative framework which prohibited and criminalized acts of racist discrimination, implemented the provisions of article 4 of the Convention, guaranteed appropriate and effective remedies and compensation and included measures aimed at making the population more aware of racial discrimination issues. She welcomed the dialogue with the State party that had been renewed after an interruption of 16 years and said the high-ranking delegation was indicative of the importance which Lesotho attached to the work of the Committee.

21. The CHAIRMAN joined Ms. McDougall in expressing satisfaction with the renewed dialogue established with Lesotho after so many years of silence. He recalled that the next report of Lesotho was due at the end of 2000. The concluding observations of the Committee would indicate whether that report should be a full report or simply deal with certain specific points.

22. Mr. MAEMA (Lesotho) thanked the Committee for its attention. He would communicate the Committee's comments to his Government and reassured the members that it would make every effort to fulfil its obligations as a State party to the Convention. It also undertook to continue the renewed dialogue.

23. The CHAIRMAN said that the Committee had thus concluded its consideration of the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Lesotho.

24. The delegation of Lesotho withdrew.

Initial, second, third, fourth and fifth periodic reports of Bahrain (CERD/C/353/Add.1/Rev.1)

25. At the invitation of the Chairman, Mr. Attiat Allah Al-Khalifa, Mr. Al-Haddad, Mr. Al-Zayani, Mr. Al-Faihani, Mr. Bu Hamood, Mr. Al-Khatfa and Mr. Jasim (Bahrain) took places at the Committee table.

26. Mr. ATTIAT ALLAH AL-KHALIFA (Bahrain) said that the legal and administrative systems of the State of Bahrain affirmed the equality of all human beings and provided sufficient guarantees to combat racial discrimination. As a result of its cultural history and its role as an economic centre, Bahrain had no conception of discrimination, but, instead, cultivated tolerance, steadfastness and brotherhood.

27. He regretted that, owing to the lack of staff, especially qualified staff, there had been a considerable delay in the submission of the report, but he was sure that, following the first submission, a basis would be formed for future reports to be submitted more regularly. The report had been prepared jointly by the ministries and departments concerned, in accordance with the relevant Committee guidelines. The State of Bahrain had also requested the Office of the High Commissioner for Human Rights to provide it with technical assistance in drafting periodic reports on the implementation of human rights instruments.

28. The report was divided into two parts: one containing general information and the other dealing more specifically with the implementation of each article of the Convention. With regard to part I, it should be noted that the majority of the population of Bahrain was of Arab origin and that all Bahraini citizens enjoyed equal rights, regardless of their origin. According to the 1997 population statistics (para. 2.1 of the report), foreigners accounted for 38.8 per cent of the total population. That high percentage was a result of the great need for foreign labour. Foreigners had the same access to courts, health and education services as Bahraini nationals. It should be pointed out that, for the fourth consecutive year, Bahrain had been ranked first among the Arab States and forty-third among 174 States in the human development index of the United Nations Development Programme Human Development Report for 1998.

29. With regard to legal protection against discrimination, article 18 of the Constitution provided that all citizens were equal in dignity and in terms of their rights, regardless of their race, origin, language, religion or belief. When Bahrain had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, the instrument had automatically acquired the force of law in the country's domestic legislation. Victims of discrimination could take their cases to court and were entitled to receive legal advice. In addition, they could refer matters to the administrative authorities or, according to a strongly established tradition, address their complaints to the Amir, Prime Minister or Crown Prince during the weekly council, convened for the purpose of receiving and hearing citizens and other persons.

30. The State of Bahrain had taken steps to inform citizens of their guaranteed rights both by publishing the Convention in the Official Gazette and disseminating it by means of

non-governmental organizations (NGOs) and educational institutions, television, radio and the press. The present report would also be widely disseminated after it had been considered by the Committee.

31. A human rights committee had recently been set up by decree of the Amir. Its basic task was to disseminate information relating to human rights, including those provided for in the International Convention on the Elimination of All Forms of Racial Discrimination.

32. With reference to part II of the report, the laws of Bahrain did not contain any discriminatory provision. In particular, effect was given to article 4 of the Convention by article 172 of the Penal Code and article 41 of the 1979 Press and Publications Act, which criminalized incitement to hatred of or contempt for particular categories of persons. Article 172 of the Penal Code also provided that any organization whose activities were linked to incitement to discrimination was prohibited. Pursuant to that provision, article 3 of the 1989 Law on Private Societies stated that any society designed to harm the social system or to violate public order was unlawful.

33. The report did not contain any references to judgements handed down by the courts under the Convention, since no legal proceedings had been instituted thus far for any violation of the Convention. Bahraini society did not experience crimes related to racial discrimination, since it was based on equality, brotherhood and solidarity. The Bahraini Government was, however, aware of the need to incorporate certain aspects of the Convention in national legislation, in particular in relation to prohibition and penalties. For that reason, several committees of specialists were currently preparing draft amendments to the Penal Code.

34. Since its declaration of independence in 1971, the State of Bahrain had firmly declared its resistance to all forms of racial discrimination, including the apartheid regime. Bahrain supported preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Its commitment to the principle of equality was reflected in the Government's activities in the fields of politics, economics, social and cultural policy and in its openness towards foreigners, who were able to conduct commercial activities and acquire real estate and whose applications for Bahraini citizenship were dealt with efficiently.

35. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) thanked Mr. van Boven, a former Committee member who had been responsible for studying the situation in Bahrain and who had provided him with documentation on the country.

36. He welcomed the submission, albeit extremely late, of the report, which should serve as a basis for a continuous and constructive dialogue with the Committee. Part I of the report gave a summary of the basic features of Bahrain, a country which created a vital link between West and East and had been founded on brotherhood, integrity and honesty. Those values were inspired by Islam, the religion practised by the majority of the population.

37. According to the most recent estimates, the population consisted of around 600,000 inhabitants, of whom 36.4 per cent were non-nationals, mostly, from India, Pakistan, Bangladesh and the Philippines.

38. The economic situation was particularly prosperous, with an extremely low public sector deficit and inflation, and Bahrain was particularly well ranked in terms of human development.

39. A number of articles of the Constitution, which provided for the right to equality, respect for human dignity for all citizens and the rule of law, were referred to in the report. According to the State party, as a result of those provisions, all forms of racial discrimination or segregation were prohibited and no specific legislation therefore existed to make them unlawful. He recommended, however, that the State party should consider enacting such legislation. The next report should also describe how constitutional and other laws were applied in practice.

40. It welcomed the fact that the Convention had force of law and was on an equal footing with domestic laws. The provisions of the Convention could therefore be invoked directly in national courts. He also welcomed the ratification by the State party of various human rights instruments and invited the Government to ratify the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the two optional Protocols thereto, as well as the Convention on the Elimination of All Forms of Discrimination against Women. Ratification would provide Bahrain with an opportunity to demonstrate its willingness to respect the most important international human rights instruments.

41. Part II dealing specifically with the implementation of each article of the Convention emphasized that Bahrain respected the principles of article 2, since the characteristics of the Bahraini population, i.e. tolerance, cohesion and brotherhood, meant that the country had a natural aversion to all forms of discrimination. The information relating to the implementation of article 3 was, by contrast, very cursory. It should be recalled that that article related not only to apartheid, but also to segregation, which, as emphasized by the Committee in General Recommendation XIX on article 3 (CERD/C/365), "may also arise as an unintended by-product of the actions of private persons". In certain cases, individuals might "suffer a form of discrimination in which racial grounds are mixed with other grounds".

42. Bahrain had not adopted a law expressly designed to guarantee the implementation of article 4 of the Convention. The provisions in force - article 172 of the Penal Code and article 3 of Law No. 21 of 1989 - were general in nature and were, moreover applicable only if an act inciting hatred or racial discrimination was likely to disturb public order, a restriction which limited the effectiveness of the provisions, all the more so since they should take account of the national customs of other peoples.

43. The Committee would be interested in receiving the results of the work of the national committees of specialists responsible for studying the practicalities of incorporating the provisions of the Convention in the Penal Code, in the hope that the committees would recommend that the Government should enact laws designed specifically to guarantee the implementation of article 4 of the Convention.

44. With reference to article 5, he noted that Bahrain's periodic report contained comprehensive information on the legal provisions, including those of the Constitution, which protected the rights enshrined therein, in particular the right to receive legal compensation and the right to personal freedom, the presumption of innocence, the inviolability of place of residence and confidentiality of communications.

45. With regard to the political rights provided for in article 5 of the Convention, he noted that article 27 of the Constitution guaranteed the right to form associations and national trade unions. In that connection, the Committee would be very interested to know whether there were cultural associations composed of foreigners.

46. Concerning the right to work, the report indicated that Bahrain had had 176,721 foreign workers in 1997, 28,194 of them women. It would be useful for the Committee to know what types of work were prohibited for women and children and what the conditions of work were for foreign workers, especially women.

47. He noted with satisfaction that Bahrain seemed to be implementing the right to housing satisfactorily because of its good economic situation and that it offered free health care to foreigners under the same conditions as to its own citizens.

48. He observed with particular satisfaction the remarkable status of education, where immigrants had the benefit of compulsory, free primary education on the same basis as nationals and noted that educational expenditure represented 16.5 per cent of the national budget and that the illiteracy rate had fallen from 52.9 per cent in 1991 to 12 per cent in 1996.

49. He drew the Committee's attention to the fact that various important reports from United Nations bodies and other sources such as the Committee for the Defence of Human Rights in Bahrain, the International Federation of Human Rights and the Organization for Human Rights in Bahrain indicated that systematic violations of basic human rights were being committed in the country, a situation which was not directly relevant to the Convention, but which did have an impact on the general framework of its implementation. For instance, the International Federation of Human Rights considered the situation of human rights in Bahrain to be a matter of concern, Amnesty International had reported the arrest of hundreds suspected of anti-government activities and, in 1999, Human Rights Watch had reported discriminatory practices prompted mainly by national or ethnic origin and aimed particularly at the Shiites, especially in higher education.

50. Other bodies such as the United States Department of State had reported that torture was widespread in prisons in Bahrain and many extrajudicial executions had been committed by members of the security forces. Furthermore, members of the "Bidoune" population - composed of stateless persons who were mainly Shiites of Iranian origin - were not allowed to obtain passports. Moreover, the women in that group were victims of discriminatory practices in employment and promotion. Foreign women workers were confined to domestic employment and were subjected to ill-treatment and sexual attacks. Shiite women did not enjoy the same inheritance rights as Sunni women.

51. The report of the United States Department of State contained particularly alarming information about the 15,000 Bahraini Shiites, 9,000 of whom were stateless. The "Bidounes" were also subjected to discriminatory practices because, under legislation adopted in 1963, they did not enjoy full citizenship and were deprived of the right to own land or obtain certain governmental loans and subsidies. They experienced other forms of discrimination because of

their ethnic origin and because of the fact that they spoke Farsi rather than Arabic. In addition, the labour law deliberately favoured nationals over foreign workers and, among the latter, Arabs over other foreigners. Lastly, the right to work was apparently not safeguarded in the case of domestic workers.

52. According to the 1997 report of the non-governmental organization Human Rights Watch, the State Security Court did not ensure legal protection of individuals with regard to the privacy of postal, telephone and electronic communications. The report further indicated that Shiites were the victims of discriminatory practices in the field of higher education and in the protection of their security of person, places of worship and Shiite community centres. In that connection, the European Parliament had asked Bahrain to authorize international human rights organizations like Amnesty International and Human Rights Watch to set up offices in its territory.

53. It would be helpful if the delegation could provide clarification about troubling complaints alleging that the Convention was not being properly implemented in Bahrain and inform the Committee whether a distinction was made between Shiites and Sunnis on the basis of descent and origin, in which case the Convention would come into play.

54. Concerning the implementation of article 6 of the Convention, the report indicated that legal questions relating to marriage, divorce, inheritance and the custody of children were within the purview of Shariah courts for Muslims and civil courts for members of other religions. He would like to know whether the two types of courts handed down uniform decisions and which courts covered atheists.

55. He feared that the fact that no complaints had been submitted about violations of article 6 was because of a failure to make the population aware of the provisions of the Convention and he hoped that the ongoing legislative reform would bring domestic legislation into compliance with the Convention.

56. Regarding the implementation of article 7, he noted with satisfaction that the Convention had been published in Arabic in the Official Gazette and hoped that it would be published in the other languages of the country as well, especially Farsi. He welcomed the use of audio-visual media to promote the principles of racial non-discrimination, fraternity and tolerance, as well as the observances held in connection with the International Day for the Elimination of Racial Discrimination. He also noted with satisfaction that specialized television channels broadcast information concerning the various cultural communities and hoped that such broadcasting would be expanded. He hoped that the Government would widely publicize both its periodic report and the Committee's concluding observations on it.

57. He also wished to know why certain professions or activities continued to be reserved for men and others for women.

58. Lastly, he hoped that the Government intended to adopt the proposed amendment concerning article 8, paragraph 6, of the Convention and to make the declaration under article 14.

59. He thanked the Government for its report and drew its attention to article 9 of the Convention on the obligation of States parties to submit their periodic reports regularly.

60. Mr. ABOUL-NASR, speaking on a point of order, recalled the unwritten rule long established in the Committee that its members should, during the oral consideration of the implementation of the Convention by States parties, refrain from referring to information derived from sources other than United Nations bodies, unless they clearly cited the sources in question. They should also limit their comments to questions falling within the scope of the Convention in order not to arrogate to themselves the competence of other international or treaty bodies dealing with human rights. Although the country rapporteur had respected the first rule by scrupulously citing his sources, some of his comments might conceivably lead the Committee to consider questions not strictly speaking within the purview of the Convention, such as the rights of women and religious minorities.

61. The CHAIRMAN said that he agreed with Mr. Aboul-Nasr's comments on reliance on sources of information and the obligation of members to limit themselves to questions relevant to the Convention.

62. Mr. SHAHI noted with satisfaction that Bahrain was represented by a high-level delegation and that its periodic report contained much information that spoke well for the implementation of the Convention, in particular the steady improvement of the economic situation in the past decade, the remarkably high human development index, the results achieved in the field of education, which was compulsory, free and universal, the particularly high literacy rate (88 per cent) and the exceptionally low unemployment rate (1.9 per cent). In that connection, since non-Bahrainis made up 38.8 per cent of the population, it would be interesting to know the unemployment rate among foreigners.

63. He had been interested to learn that aliens enjoyed free medical care on the same terms as Bahrainis, a most remarkable situation.

64. However, the demographic data had been disaggregated not by national origin, but by regional origin, and therefore did not help the Committee to understand whether the Convention was being properly implemented. He hoped that, in its next report, Bahrain would submit population figures for aliens by nationality.

65. Concerning article 4 of the Convention, he, like Mr. Valencia Rodriguez, noted that Bahrain's legislation made racial discrimination a crime, but that, in doing so, it specified conditions that were not set out in the Convention. He further pointed out that a law was needed specifying measures that would ensure the implementation of the provisions of article 4 prohibiting incitement to racial discrimination. It was to be hoped that the work of the specialized national committees (report, p. 18) responsible for the reform of the Penal Code would enable Bahrain fully to incorporate the provisions of article 4 into its domestic law.

66. With regard to the implementation of article 5 of the Convention, he noted with satisfaction that the Constitution protected most of the rights listed therein. However, it provided that many of them, particularly civil and political rights such as freedom of expression and freedom of association, would be subject to the conditions of implementation stipulated in each

relevant law. Consequently, without having the texts of the laws in question, it was difficult for the members of the Committee to have an idea of the degree to which the various article 5 rights were being implemented. The State party should therefore provide more information in its next report on the legislation intended specifically to bring its law into full compliance with the Constitution and, thereby, with the Convention.

67. The report gave interesting information on article 6. However, he would appreciate concrete examples of the way in which it guaranteed that aliens would have access to justice.

68. The Government had reportedly not complied with a court decision upholding an individual complaint regarding the rejection of a passport application and he wondered whether the delegation could provide further information on that allegation.

69. Mr. FALL thanked the delegation for the very interesting and useful information it had provided and expressed appreciation for Mr. Valencia Rodriguez's comments. Like him, he thought that the provisions of article 4 of the Convention were not clearly incorporated into national legislation. Since the country, which was host to foreigners making up 38.8 per cent of its population, did not have a homogeneous society, the aim of article 4 should not be to protect public order, but to prevent acts of racial discrimination even when they did not disrupt public peace.

70. In reporting on information and culture, it was stated that all citizens took part in religious festivals. An explanation of the kinds of religious festivals in question would be appreciated.

71. Mr. de GOUTTES welcomed the high level of the delegation and thanked Mr. Valencia Rodriguez for having given a thorough account of very positive aspects of Bahrain's economic and social situation, in particular the especially high school enrolment and extremely low rate of illiteracy.

72. He took note of the efforts Bahrain had made to familiarize the population with the Convention.

73. Bahrain had taken a number of positive steps towards implementing article 4 of the Convention. Nevertheless, its legislation did not seem to ensure full compliance with the provisions of the Convention designed to combat racist propaganda and activities. For example, incitement to hatred or to contempt for a particular group came under article 172 of the Penal Code only if it was likely to disrupt public peace. That was a restrictive provision that limited the effectiveness of domestic legislation in terms of the Convention.

74. He would appreciate further information about the nature and exact role of the specialized national committees that were currently studying the possibility of the inclusion in the Penal Code of the acts referred to in the Convention and about the mandate of the newly established Human Rights Committee.

75. Mr. DIACONU said that, from the viewpoint of the implementation of the Convention, every country had its own particular features. Bahrain, for example, was notable for having a very high proportion of aliens, representing more than 50 per cent of the country's manpower. It would therefore be very useful to have more specific data disaggregated by both nationality and ethnic origin.

76. The report gave many details on economic and social rights, but there was a question as to whether citizens and aliens enjoyed equality in those areas. The word "citizen" recurred often in the articles of the Constitution to which reference had been made, as in the case of article 9 and article 18. It was not clear how they applied to non-citizens. Clearly, Bahrain was very attractive to foreigners because of its economic prosperity, but he would like to know more about associations for foreigners and their activities and about whether foreigners could receive education in their own languages. Did Bahrain have, for example, public schools where classes were taught in the language of the main foreign communities?

77. He agreed with Mr. Fall and Mr. de Gouttes that the implementation of article 4 of the Convention could not be restrictive or conditional: the authorities did not have to wait until acts, practices, statements or writings disturbed public peace before recognizing that they were discriminatory.

78. Mr. PILLAY noted with satisfaction that the report provided much interesting data and that it also contained a number of statements of intention indicating Bahrain's determination to improve further its implementation of the Convention. Much had already been done in the area of human development, health and education and the number of foreign workers flowing into Bahrain testified to the openness of Bahraini society.

79. However, as concerned the application of article 4, he agreed with preceding speakers and, like Mr. Fall, expressed the hope that article 172 of the Penal Code would not be limited to condemning the forms of incitement to racial hatred that were likely to "disrupt public peace". He hoped that the national committees responsible for reforming the Penal Code would introduce improvements to that effect.

80. Lastly, he would also appreciate clarification on the compatibility between article 19 of the Constitution, which guaranteed individual freedoms, and the State Security Act of 1974. Bahrain had announced its intention of acceding to several international labour rights conventions, but he wondered when it would announce its decision to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. He would also like to have further information on the activities of NGOs working in Bahrain.

81. Mr. ABOUL-NASR endorsed the statements of preceding speakers on the implementation of article 4. He hoped that the Government would go beyond the steps it had taken to give effect to article 4 by adopting appropriate legislation. In Bahrain's favour, it had to be said that most of the States parties came before the Committee convinced that they were

implementing the provisions of article 4 perfectly, while the Committee itself was actually much more demanding. In its next report, Bahrain should give further details on its new Human Rights Committee and whether it would directly review individual complaints or simply transmit them to the competent authorities.

82. The CHAIRMAN, indicating that Ghana had had to defer the presentation of its report scheduled for the following meeting, suggested that the delegation of Bahrain could, if it wished, answer the questions of the members of the Committee in the afternoon rather than waiting until the next day.

83. It was so decided.

84. The delegation of Bahrain withdrew.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES AND URGENT ACTION PROCEDURES (agenda item 6) (continued)

Draft resolution on the prevention of racial discrimination (continued)
(CERD/C/56/Misc.28/Rev.2, distributed in the meeting room in English only)

85. The CHAIRMAN said that Mr. Banton had prepared a new version of the draft resolution that took the Committee's comments into account.

86. Mr. ABOUL-NASR said that his comments had not been taken into account. The new version of the draft seemed to him to have exactly the same defects as the preceding version, namely, that certain countries were singled out for no apparent reason, while others escaped criticism for equally obscure reasons.

87. The singling out of Nigeria, on the one hand, and Indonesia, on the other, seemed to him particularly inappropriate, given the efforts made by the Governments of those two countries, the former to restore democracy and the latter, to put an end to a long-lasting conflict by granting self-determination to the people of East Timor. Those two Governments deserved to be encouraged rather than attacked by the Committee, especially since it closed its eyes to the bombing of civilian populations in south Lebanon, the violations of the Convention in the United States and the devastation caused by corruption and arms trafficking in Africa. Such a selective approach was not acceptable. If guilt was to be assigned explicitly, none should be overlooked, or else the draft resolution should be formulated in more general terms.

88. Mr. de GOUTTES said that he recognized the extreme difficulty of the task. However, he insisted on the importance of reaching a consensus on the text of the resolution before the end of the session. He therefore appealed to the spirit of compromise and conciliation of each member, for it was inevitable that one or the other should be irritated by such a text.

89. Mr. BRYDE, concurring with Mr. Aboul-Nasr, said that, if the names of Indonesia and Nigeria remained in the final text, the efforts made by the Governments of those two countries and the progress they had achieved should also be clearly mentioned.

90. Mr. FALL, referring briefly to the conflicts that had torn Nigeria apart in the last few decades, including the Biafra crisis that had caused over 1 million deaths, said that the first duty of the international community - and of the Committee - was to remain vigilant and anticipate the major problems that might arise. Experience had shown that ethnic differences could easily degenerate and explode from one moment to the next. The democracy that had just been re-established in Nigeria was still fragile and it needed support. It would certainly not be in any way helpful to Nigeria to remove its name from a draft resolution on prevention.

91. The CHAIRMAN recalled that a general debate had already taken place on the first version of the draft resolution and that there was no question at the current stage of starting from scratch. He therefore invited the members of the Committee to submit specific drafting proposals to Mr. Banton so that he could draft a consensus text with the help of the secretariat.

92. It was so decided.

The meeting rose at 1.05 p.m.